1 2 3 4 UNITED STATES DISTRICT COURT 5 DISTRICT OF NEVADA 6 KESHONE OWENS, Case No. 2:19-cv-00126-RFB-PAL 7 **Plaintiff** ORDER 8 ٧. 9 JAMES DZURENDA et al., 10 Defendants 11 I. DISCUSSION 12 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections 13 14 ("NDOC"), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application to proceed in forma pauperis. (ECF Nos. 1, 1-1). 15 Plaintiff's application to proceed in forma pauperis is incomplete. Pursuant to 28 16 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to 17 proceed in forma pauperis and attach both an inmate account statement for the past six 18 months and a properly executed financial certificate. Plaintiff has not submitted a properly 19 executed financial certificate or an inmate account statement. (See ECF No. 1). As such, 20 21 the in forma pauperis application is denied without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the 22 payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure the 23 deficiencies of his application to proceed in forma pauperis, or in the alternative, pay the 24

full filing fee for this action. If Plaintiff chooses to file a new application to proceed in

forma pauperis he must file a fully complete application to proceed in forma pauperis.

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II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed in forma pauperis (ECF No. 1) is DENIED without prejudice to file a new application.

IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that within thirty (30) days from the date of this order, Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order, dismissal of this action may result.

IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF No. 1-1), but shall not file it at this time.

DATED THIS 25th day of January 2019.

JNITED STATES MAGISTRATE JUDGE

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